

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Section 422 of the Penal Code, relating to criminal threats.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as introduced, Bloom. Crimes: criminal threats.

Existing law provides that a person is guilty of a crime if he or she willfully threatens to commit a crime that will result in death or great bodily injury to another person with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, as specified.

This bill would clarify that this provision also applies when the threatening statement is published on an Internet Web page.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 422 of the Penal Code is amended to
- 2 read:
- 3 422. (a) Any person who willfully threatens to commit a crime
- 4 which will result in death or great bodily injury to another person,
- 5 with the specific intent that the statement, made verbally, in
- 6 writing, or by means of an electronic communication device,
- 7 *including publication on an Internet Web page*, is to be taken as
- 8 a threat, even if there is no intent of actually carrying it out, which,

1 on its face and under the circumstances in which it is made, is so
2 unequivocal, unconditional, immediate, and specific as to convey
3 to the person threatened, a gravity of purpose and an immediate
4 prospect of execution of the threat, and thereby causes that person
5 reasonably to be in sustained fear for his or her own safety or for
6 his or her immediate family's safety, shall be punished by
7 imprisonment in the county jail not to exceed one year, or by
8 imprisonment in the state prison.

9 (b) For purposes of this section, "immediate family" means any
10 spouse, whether by marriage or not, parent, child, any person
11 related by consanguinity or affinity within the second degree, or
12 any other person who regularly resides in the household, or who,
13 within the prior six months, regularly resided in the household.

14 (c) "Electronic communication device" includes, but is not
15 limited to, telephones, cellular telephones, computers, video
16 recorders, fax machines, or pagers. "Electronic communication"
17 has the same meaning as the term defined in Subsection 12 of
18 Section 2510 of Title 18 of the United States Code.